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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,321	12/14/2000	Amy Hetz Wilson	2400-599	9469
27820	7590	05/04/2005	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C.			BUTLER, MICHAEL E	
P.O. BOX 1287			ART UNIT	PAPER NUMBER
CARY, NC 27512			3653	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

09/737,321

Examiner

Michael Butler

Applicant(s)

WILSON

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 8/25/2004.
2. ☐ The allowed claim(s) is/are 4,10-14,26-28,39,44-46 and 50-83.
3. ☒ The drawings filed on 25 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>15</u> | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Supplemental Notice of Allowability

1. An un-initialed form 1449 has been located and is being sent to the applicant with this Supplemental Notice of Allowability.

Drawings

2. The drawings are acceptable.

Priority

3. Applicant's claim of priority to application 09/154462 filed 9/16/98 is acknowledged. Applicant's claim of priority to provisional application 60/060066 filed 9/26/97 is acknowledged.

IDS

4. The information disclosure statement paper number 15 filed 6/12/2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the foreign language information referred to therein has not been considered.

The abstracts for the Japanese language references JP06-227597 and JP04-128186 are insufficient to satisfy the relevance requirement. Substantial matter is frequently disclosed outside the context of the abstract yet omitted from the abstract as the abstract is directed a summary of the claimed invention rather than summarizing the entire disclosure. As such, it is

Art Unit: 3653

not possible to discern from the abstract whether relevant matter is disclosed. Accordingly, the foreign language references have been placed within the file, have not been considered and have been struck from the 1449 form.

The English language references have been considered and the form 1449 has been initialed.

Allowable Subject Matter

5. Claims 4, 10-14, 26-28, 39, 44-46, and 50-83 are allowed.
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
7. The following is an examiner's statement of reasons for allowance: the prior art does fails to disclose or suggest alone or in combination with other art: a method and apparatus for determining change by applying a previous credit in a fuel dispensing system for enhancing cash transactions comprising a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associated with a customer, receiver operatively associated with control system to enable control system to retrieve the identification indicia.

Of particular interest is Gunnarsson '919 which discloses: A fuel dispensing system for enhancing cash transactions comprising a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associate with a customer, receiver operatively associate with a control

Art Unit: 3653

system to enable the control system to retrieve the identification indicia. However, Gunnarson '919 does not disclose: applying a previous customer credit in determining the change.

Of further interest is Ramsey '791 which discloses: fueling system with customer change resulting from customer overpayment from a cash transaction. Ramsey '791 fails to disclose applying change from a previous credit.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (571) 272-6944. The fax number for the Group is (703) 305-7687.



Michael E. Butler
Examiner



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600